

E-Filed 11/30/2010

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

AGNES BLACKWELL,

Plaintiff,

v.

WELLS FARGO HOME MORTGAGE, INC.,

Defendant.

Case Number 5:10-4917 JF (PVT)

ORDER¹ DENYING MOTION FOR
PRELIMINARY INJUNCTION

Re: Docket No. 2

Plaintiff Agnes Blackwell, proceeding *pro se*, seeks a preliminary injunction to prevent Defendant Wells Fargo Home Mortgage, Inc. from foreclosing upon and selling her real property located at 1464 Kelly Court San Jose, California 95116. Plaintiff filed the instant motion and an *ex parte* application for a temporary restraining order on October 19, 2010. The application for a temporary restraining order was denied on November 4, 2010.

Defendant states that the property in question was sold at a trustee's sale on March 11, 2010. However, Plaintiff asserts that the sale was scheduled for the week of August 13, 2010. Even if the Court assumes that the sale took place in August, Plaintiff's motion appears to be

¹ This disposition is not designated for publication in the official reports.

1 moot. Plaintiff has not replied to Defendant's opposition brief and has not otherwise disputed
2 that the foreclosure has occurred.

3
4 **ORDER**

5 Under the circumstances, the Court finds that the instant motion is suitable for
6 determination without oral argument pursuant to Civil L. R. 7-1(b). Good cause therefor
7 appearing, IT IS HEREBY ORDERED that the motion for preliminary injunction is DENIED as
8 moot.

9
10 DATED: November 30, 2010



JEREMY FOGEL

United States District Judge

1 A copy of this order has been sent to:

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3 Agnes Blackwell
4 1464 Kelly Court
5 San Jose, CA 95116
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